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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,731	04/25/2001	Carl A. Gunter	53087-5006	6534
28977	7590	05/13/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP 1701 MARKET STREET PHILADELPHIA, PA 19103-2921			BAUM, RONALD	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,731	GUNTER ET AL.	
	Examiner Ronald Baum	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. This action is in reply to applicant's correspondence of 24 February 2005.
2. Claims 1- 14 are pending for examination.
3. Claims 1- 14 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer, U.S.

Patent 5,659,617.

5. As per claim 1; "A method for managing access to a service comprising the steps of:

(A) delegating to a recipient one or more permissions relating to said service via a

delegation device

wherein said delegation device comprises a global positioning system receiver for determining a location of said delegation device at a time said delegation of one or more of said permissions occurs and

wherein said delegating comprises binding

the location and

the permission to a public key of the recipient [col. 1,lines 6-col. 4,line 27, whereas the service is the use of a certified token utilized for authenticated/secure communications via a third party verification process (i.e., the use of digital certificates, or in this case the location certificate for signature validation), where the trusted third party uses the location certificate as a means (and associated artifact/token) for delegation of permission for secure authenticated/secure communications/services.] and

(B) using said location to control access to the service.”;

Further, as per claim 8; “A system [This claim is the system claim for the method claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection] for managing access to a service comprising: a delegation device that delegates one or more permissions relating to said service via a delegation device wherein said delegation device comprises a global positioning system receiver for determining a location of said delegation device at a time said delegation of one or more of said permissions occurs; and one or more servers that use said location to control access to the service.”.

6. Claim 2 *additionally recites* the limitation that; “The method of claim 1 wherein step (B) comprises revoking one or more of said permissions delegated at said location.”.

The teachings of Fischer suggest such limitations (col. 1,lines 6-col. 4,line27, whereas the service “...with means for disabling the use of such objects...[col. 3,lines 63-col. 4,line 10]” is clearly the revoking of permission. Further, the use of a digital certificate in RSA type

authentication environments (i.e., col. 3,lines 15-62) inherently involving the revocation “other side” of the authentication aspect of PKI based certificate use, in known in the art.);

Further, as per claim 9; this claim is the system claim for the method claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection.

7. Claim 3 *additionally recites* the limitation that; “The method of claim 1 wherein the service comprises accessing content.”.

The teachings of Fischer suggest such limitations (col. 1,lines 6-col. 4,line27, whereas the service “...supplier of electronic broadcasts...[col. 1,lines 40-56]” is clearly a service comprising accessing content. Further, the use of a digital certificate in RSA type authentication environments (i.e., col. 3,lines 15-62) inherently involving the authentication aspect of PKI based certificate use, clearly involves electronic data content security/authentication services, and is in known in the art.);

Further, as per claim 10; this claim is the system claim for the method claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8. Claim 4 *additionally recites* the limitation that; “The method of claim 1 wherein the service comprises actuating a device.”.

The teachings of Fischer suggest such limitations (col. 1,lines 6-col. 4,line27, whereas the service “...control the use of security or sensitive devices by limiting their operation...[col. 1,lines 49-65]” is clearly a service comprising actuating a device.);

Further, as per claim; this claim is the system claim for the method claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9. As per claim 5; “A method for monitoring delegation information comprising the steps of:

(A) delegating one or more permissions to a recipient via a delegation device

wherein said delegation device comprises a global positioning system receiver for determining a location of said delegation device at a time said delegation of one or more of said permissions occurs

wherein said delegating comprises binding

the location and

the permission to a public key of the recipient; [col. 1,lines 6-col. 4,line27,

whereas the monitoring delegation information is the use and tracking of a certified token utilized for authenticated/secure communications via a third party verification process (i.e., the use of digital certificates, or in this case the location certificate for signature validation), where the trusted third party uses the location certificate as a means (and associated artifact/token) for delegation of permission for secure authenticated/secure communications/services of which monitoring (i.e., object/associated artifact/token) would clearly be encompassed.]; and

(B) using said location to monitor delegation information [i.e., col. 1,lines 5-65, col.

4,lines 10-47].”;

Further, as per claim 12; this claim is the system claim for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10. Claim 6 *additionally recites* the limitation that; “The method of claim 5 wherein step (B) is performed in connection with marketing objectives.”.

The teachings of Fischer suggest such limitations (col. 1,lines 6-col. 4,line27, whereas the monitoring functionality involved with “...supplier of electronic broadcasts...[col. 1,lines 40-56]” is clearly involved with monitoring of marketing objectives.);

Further, as per claim 13; this claim is the system claim for the method claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

11. Claim 7 *additionally recites* the limitation that; “The method of claim 5 wherein step (B) is performed in connection with legal requirements.”.

The teachings of Fischer suggest such limitations (col. 1,lines 6-col. 4,line27, whereas the monitoring functionality involved with “...legal or security reasons...particular jurisdiction, ... [col. 1,lines 28-48]” is clearly involved with monitoring of legal requirements.);

Further, as per claim 14; this claim is the system claim for the method claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

Response to Amendment

12. As per applicant’s argument concerning the lack of teaching by Fischer of a bound public key and location aspect, the examiner has fully considered the arguments and finds them not to

be persuasive. The use of the public key based certificates “bound” to the delegated party, at the very least, deals with the bound permission aspects. Further, while the LCU/PDU architectural / implementation aspects of the Fischer teachings, clearly encompasses the “bound” aspects in that the claim language “...the location and the permission to a public key of the recipient ...”, as broadly interpreted by the examiner, is in itself sufficiently broad, thereby not further patently distinguishing the claim nor overcoming the rejection. Therefore, the Fischer aspects of the certificates structure and LCU/PDU architecture / implementation, would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

14. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached at (571) 272-3795. The Fax number for the organization where this application is assigned is 703-872-9306.

Ronald Baum

Patent Examiner



Ayaz Sheikh
AYAZ SHEIKH
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